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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Robert B. Nilsen

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EXAMINER

SEFER, AHMED N

ART UNIT

PAPER NUMBER

2893

MAIL DATE

DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DETAILED ACTION

Response to Amendment

1. The amendment and the supplemental amendment filed on 1/5/2010 and 3/18/2010 have been entered and claims 2-4, 9, 24 and 26 have been cancelled.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 11, 12 and 27 are rejected under 35 U.S.C. 102(e) as being anticipated by Gale et al. ("Gale") US PG-Pub 2002/0191286.

Gale discloses an optical polarizer film comprising a substrate (par. 17) having a subwavelength moth-eye structure (par. 3) including peaks and valleys and an intermittent surface (e.g. the slope-evaporated metal shown in figs. 1b and 1c) covering at least a portion of the substrate and providing polarization.

Re claim 11, Gale discloses the intermittent surface being a light-transmissive inhibiting surface covering at least some of the peaks (fig. 1c).

Re claim 12, Gale discloses a substantially transparent coating disposed on the polarizer film (par. 21).

Re claim 27, Gale discloses a substantially transparent coating disposed on the polarizer film (par. 21).

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4. Claim 13 is rejected under 35 U.S.C. 102(e) as being anticipated by Gale.

Gale discloses a polarizer comprising at least one subwavelength optical microstructure (par. 3) including an undulating surface that includes an intermittent light- transmissive inhibiting surface in at least some raised areas of the microstructure (figs. 1b and 1c).

Response to Arguments

5. Applicant's arguments filed 1/5/10 have been fully considered. While the argument regarding claim 10 is persuasive (see page 4, lines 15-21 of Applicant's Remarks), they are not persuasive regarding the rest of the claims. Applicant argues that a support for claim 1 can be found in provisional application 60/225,246 at least page 15, claim 1; at least at pages 7 and 8, lines 25-26 and lines 1-3 respectively; and figs. 1, 3 and 4 (see pages 3 and 4, lines 24-32 and 1 respectively of Applicant's Remarks). See also pages 4 and 5 of Applicant's Remarks for similar arguments regarding the rest of the claims.

This is not persuasive because none of the cited portions of the provisional application teach "an intermittent surface" as recited in the claims. As disclosed in the specification (see par. 74 of the now published US PG-Pub 2004/0169791) a conductive coating can be removed from the peaks providing an intermittent conductive coating 72 or material... Furthermore, because the regular nature of the peaks and valleys, removal of the conductive coating would produce an intermittent surface covering at least a portion of the substrate ... (see also page 7, lines 5-8 of Applicant's Remarks filed 7/14/2008). Since none of the cited portions of the provisional application teach "an intermittent surface," the claims are not supported by the parent application

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(provisional application 60/225,246). Therefore, the effective filing date of this Child CIP is 12/4/2003. See MPEP 2133.01

Allowable Subject Matter

6. Claim 10 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: None of the cited art discloses a conductive coating disposed on an intermittent surface in at least some valleys as recited in claim 10.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to A. Sefer telephone number is (571)272-1921.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Davienne Monbleau can be reached on (571) 272-1945.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/A. Sefer/
Primary Examiner
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